REMARKS

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 1 to 3, 6, 7, 10, 11, 13, 14, 17, 19, and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Fritzer et al. (US Publication No. 2002/0084129). Claims 4, 5, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fritzer et al. in view of Heuser (US Patent No. 5,154,268). Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fritzer et al. in view of Graf (US Patent No. 6,766,238). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fritzer et al. in view of Yamaguchi et al. (US Patent No. 6,095,942). Claims 12 and 16 have been objected to, but were indicated as being allowable if rewritten in independent form.

Claims 21 and 22 have been added to place allowable claims 12 and 16 in independent form.

Reconsideration of the application based on the following is respectfully requested

Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. It is respectfully submitted that the constant component being implemented by a speed offset, e.g. an engine speed variable, is discussed at the specification in [0027].

Withdrawal of the objection to the specification is respectfully requested.

Rejections under 35 U.S.C. §102(e)

Claims 1 to 3, 6, 7, 10, 11, 13, 14, 17, 19, and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Fritzer et al. (US Publication No. 2002/0084129).

Claim 1 of the present invention is concerned with controlling the clutch torque to implement a starting strategy for the vehicle when the driver is depressing the accelerator pedal, as indicated by the fact that the throttle valve angle exceeds a minimum throttle valve angle. This is discussed at [0034] and in Fig.1 for example.

Claim 1 thus has been amended to recite "A method for controlling and/or regulating a torque transmission system in a drivetrain, a clutch torque being changed as a function of a starting resistance of the vehicle in order to implement a strategy for starting the vehicle, the method comprising the step of:

modifying the strategy so that a progression of the clutch torque is adjusted to a starting situation,

the modification beginning when a predetermined minimum throttle valve angle is reached."

The [0073] to [0079] sections cited by the Office Action with respect to Fritzer are for crawl torque where "neither the brake nor the gas pedal are being applied by the driver" [0072] or in response to a signal generated by a traction load detecting device [0074] and thus the modification does not begin "when a predetermined minimum throttle valve angle is reached."

Withdrawal of the rejections to claim 1 and its dependent claims is respectfully requested.

Claim 20 recites a "method for controlling and/or regulating a torque transmission system in a drivetrain, a clutch torque being changed as a function of a starting resistance of the vehicle in order to implement a strategy for starting the vehicle, the method comprising the steps of:

determining if a starting resistance of the vehicle is above a certain level, and

if so, modifying the strategy so that a progression of the clutch torque is adjusted by modifying a factor altering the clutch torque, the factor being modified by setting the factor to a first amount during a first time period so as to reduce the clutch torque, and increasing the factor by a predetermined rate after the first time period."

The Section cited by the Office Action in [0059] is not for a starting strategy at all, and is clearly for when the vehicle is travelling on a level road or downhill (See [0058] to [0060]).

Nowhere does the section in [0059] cited by the Office Action depend upon the starting resistance of the vehicle, as required by claim 20, which recites " determining a starting resistance of the vehicle is above a certain level, and *if so*, modifying the strategy [for starting the vehicle..." Section [0059] in Fritzer is independent of any starting resistance determination.

Withdrawal of the rejection to claim 20 is also respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 4, 5, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fritzer et al. in view of Heuser (US Patent No. 5,154,268). Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fritzer et al. in view of Graf (US Patent No. 6,766,238). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fritzer et al. in view of Yamaguchi et al. (US Patent No. 6,095,942).

In view of the amendments to claim 1, withdrawal of the rejections under 35 U.S.C. 103 is also respectfully requested.

Withdrawal of the rejections is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

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